

Notice of Allowability

Application No.

09/705,152

Examiner

Gregory J. Strimbu

Applicant(s)

HERING, MARTIN

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 2/21/06 and the tele. int. of 5/8/06.
2. ☒ The allowed claim(s) is/are 62,64-66 and 87-93.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>5/8/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Carl M. Napolitano on May 8, 2006.

The application has been amended as follows:

In the title:

changed the title to --A METHOD OF DISPLAYING ADVERTISING ON A TURNSTILE--

In the abstract:

rewrote the abstract as follows:

--A method of advertising includes providing a transparent, tubular sleeve within which a sheet carrying advertising is placed and removably attaching the tubular sleeve to one of the arms of a turnstile.--

In the specification:

page 6,

line 19, inserted --partial-- following "a"

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page 7,

line 1, changed "10-10" to --12-12-- and changed "11" to --10--

In the claims:

claim 62,

line 1, changed "An advertising method" to --A method of displaying advertising--

line 3, deleted "passing"

line 4, inserted --of the person-- following "passage"

line 5, deleted "at least a portion of"

line 8, changed the last occurrence of "a" to --the--

line 10, changed "carrying advertising by" to --providing the advertising on-- and
changed "covers a substantial" to --extends substantially around--

line 11, changed "portion of the arm" to --the arm and is disposed--

canceled claim 86

claim 87,

line 1, changed "An advertising method" to --A method of displaying advertising--

line 3, deleted "passing"

line 4, inserted --of the person-- following "passage"

line 5, deleted "at least a portion of"

line 7, deleted "for encircling . . . outside surface"

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deleted line 8

line 9, deleted "passageway"

changed line 10 to --providing the advertising on the sleeve;--

deleted line 11

line 14, inserted --, wherein the sleeve encircles a substantial portion of the arm outside surface and extends less than a full length of the portion of the arm extending into the passageway and wherein the advertising extends substantially around the arm-- following "therein"

line 17, inserted --the-- following "by"

claim 91,

line 2, deleted ", and wherein"

deleted line 3

line 4, deleted "one of the sleeve . . . therethrough"

Drawings

The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

In figure 9 change the cross sectional shading of the sleeve 102 to indicate that the sleeve is made from a transparent material. See MPEP 608.02.

In figure 12 change the cross sectional shading of the sleeve 202 to indicate

that the sleeve is made from a transparent material. See MPEP 608.02.

In figure 14 change the cross sectional shading of the sleeve 305 to indicate that the sleeve is made from a transparent material. See MPEP 608.02.

In figure 15 change the section line 16-16 so that it passes through the longitudinal axis of the arm and agrees with the sectional view shown in figure 16.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach a method of displaying advertising comprising providing advertising on the sleeve, wherein the advertising extends substantially around the arm. Although references such as Harrison et al. disclose providing advertising on the arm of a turnstile and Nica discloses providing the arm of a turnstile with an aesthetically pleasing sleeve, both Harrison et al. and Nica fail to disclose having the advertising extend substantially around the arm. References such as Morgenstern, however, disclose providing advertising extending substantially around a post 13. Even with the teachings of

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Morgenstern, one with ordinary skill in the art, absent applicant's own disclosure, would not be motivated to provide the advertising extending substantially around the arm since the downwardly facing portion of the advertising would to be effective in conveying its message to a person passing through the turnstile.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Gregory J. Strimbu". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Gregory J. Strimbu
Primary Examiner
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May 8, 2006